

SENATE BILL REPORT

SB 5622

As of February 2, 2009

Title: An act relating to aggravated retail theft.

Brief Description: Addressing aggravated retail theft.

Sponsors: Senator Kline.

Brief History:

Committee Activity: Judiciary: 1/30/09.

SENATE COMMITTEE ON JUDICIARY

Staff: Juliana Roe (786-7438)

Background: Retail theft with extenuating circumstances is a crime that was adopted by the Legislature in 2006. A person commits this crime when that person commits a theft of property from a mercantile establishment and does so by leaving through a designated emergency exit, while in possession of an item that overcomes security systems, or has committed thefts in three or more separate mercantile establishments within a 180 day period. "Extenuating circumstances" are defined as surrounding factors which make a crime appear less serious, less aggravated, or without criminal intent, and thus warrants a more lenient punishment or lesser charge. However, the circumstances set forth in the statute (RCW 9A.56.360) relate to increasing the seriousness of the offense. It appears as though the Legislature mistakenly used a term (extenuating circumstances) that means the opposite of what was intended.

Summary of Bill: The crime of retail theft with extenuating circumstances is renamed aggravated retail theft. Aggravate, in relation to a crime, means to make worse or more serious.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff Summary of Public Testimony: PRO: This bill is offered to correct the Legislature's use of extenuating circumstances in this statute. It should be an aggravated commission of an existing crime. Our predecessors used "under extenuating circumstances," but they should have used "aggravating" circumstances. Judges are having problems explaining this to juries. This legislation will solve that problem.

Persons Testifying: PRO: Senator Kline, prime sponsor.